

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ROBERT TREPETA,

Plaintiff,

V.

TRUIST BANK,

Defendant.

Civil Action No. 3:20cv443-DJN

DENFENDANT TRUIST BANK'S MOTION TO DISMISS

Truist moves to dismiss Plaintiff's complaint with prejudice under Rule 12(b)(6). For the reasons set forth more fully in Truist's accompanying Memorandum in Support, Plaintiff does not and cannot plausibly plead that Truist texted him using an "automatic telephone dialing system" under the Telephone Consumer Protection Act. Without an ATDS, there is no TCPA claim.

WHEREFORE, Truist requests that this Court dismiss Plaintiff's complaint with prejudice.

Dated: August 28, 2020

Respectfully submitted,

/s/ Frank Talbott V

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Counsel for Truist Bank

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2020, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF filing system, which will send notification of electronic filing (NEF) to all counsel of record.

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